

AMENDED IN ASSEMBLY MARCH 2, 2005

AMENDED IN ASSEMBLY FEBRUARY 28, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 42

**Introduced by Assembly Members Nunez and McCarthy and
Senators Perata and Ackerman**

**(Coauthors: Assembly Members Aghazarian, Arambula, Benoit,
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**(Coauthors: Senators Ducheny, Escutia, Figueroa, Kehoe, Kuehl,
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Vincent)**

December 6, 2004

An act to amend Section 12174 of the Government Code, relating to museums, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Nunez. Secretary of State and State Archives Building Complex: museum.

Existing law requires the Secretary of State to administer, protect, and develop the Secretary of State and State Archives Building Complex and authorizes the Secretary of State to enter into an agreement with the Golden State Museum Public Benefit Corporation

for the operation of the Golden State Museum within the complex. The board of trustees of the corporation is the governing authority for operations funded through moneys received by the corporation and is required to perform specified activities, including the submission of an annual audit to the Secretary of State, and copies to specified entities. *The board of trustees of the corporation includes the Chairperson of the California Heritage Preservation Commission as an ex officio voting member.* Certain individuals working with or for the corporation for purposes consistent with the mission of the corporation are considered volunteers for specified purposes.

This bill would additionally authorize the Secretary of State to enter into an agreement with ~~any successor to the corporation~~ *the corporation's successor* for the operation of a museum located within the complex, and make various conforming changes. It would specify that the governing board of the corporation is the governing authority for operations funded through moneys received by the museum and would encourage the board to conduct its activities according to specified criteria. *The bill would remove the Chairperson of the California Heritage Preservation Commission from ex officio board membership and instead make the Director of Parks and Recreation or his or her designee an ex officio voting member.* It would require the Secretary of State to submit copies of the annual audit to the specified entities, and delete the provisions designating the individuals working with or for the corporation as volunteers. *The bill would declare that the corporation or its successor is a private nonprofit corporation and would prohibit it from being considered a state, local, or other public body for any purpose.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) It is the intent of the Legislature to extend
2 knowledge of California's rich history, cultural diversity, and
3 government to the people of the state through the museum
4 located in the Secretary of State and State Archives Building
5 Complex. The museum will preserve and present California's
6 cultural, social, and political history through exhibits and

1 programs that include the display of records, photographs, and
2 artifacts from the collection of the California State Archives. The
3 museum will also house a first-ever Women's History Museum.

4 (b) In recognition of the need to extend the fiscal resources of
5 the state, it is the intent of the Legislature to authorize the
6 Secretary of State to enter into an agreement with a private
7 nonprofit organization for the operation of the museum and to
8 permit the museum to occupy a portion of the Secretary of State
9 and State Archives Building Complex.

10 (c) The benefit of this arrangement to the state will be that the
11 private nonprofit organization shall develop and administer the
12 museum and solicit private donations to assist in providing
13 funding for the museum.

14 SEC. 2. Section 12174 of the Government Code is amended
15 to read:

16 12174. (a) The Secretary of State shall administer, protect,
17 develop, and interpret the Secretary of State and State Archives
18 Building Complex located in Sacramento in the area bounded by
19 10th, 11th, O, and P Streets as authorized by Section 12235 for
20 the use, education, and enjoyment of the public.

21 (b) The Secretary of State may enter into an operating
22 agreement with the Golden State Museum Public Benefit
23 Corporation (GSMPBC), formerly known as the California
24 Archives Foundation, an existing California nonprofit public
25 benefit corporation, tax exempt under Section 501(c)(3) of the
26 United States Internal Revenue Code, ~~or any successor thereto~~ *its*
27 *successor*. Under the operating agreement with the Secretary of
28 State (including the State Archives), the corporation shall operate
29 a museum located in the Secretary of State and State Archives
30 Building Complex, including development, administration,
31 interpretation, and management of the museum and related public
32 services, and acquiring and managing funding for the museum's
33 programs and services. Secondly, the corporation may support
34 the programs and operations of the State Archives.

35 (c) The governing board of the corporation shall include the
36 Secretary of State or any Assistant Secretary of State designated
37 by the Secretary of State and the ~~Chairperson of the California~~
38 ~~Heritage Preservation Commission~~ *Director of Parks and*
39 *Recreation or his or her designee* as ex officio voting members
40 of the board. The board shall be the governing authority for

1 operations funded through moneys received by the museum. The
2 board shall submit an audit report annually to the Secretary of
3 State. The Secretary of State shall submit copies of the annual
4 audit reports to the Director of Finance, the Chair of the Joint
5 Legislative Audit Committee, and the Chair of the Joint
6 Legislative Budget Committee. No funds raised or assets
7 acquired by the corporation shall be used for purposes
8 inconsistent with support of the museum and the State Archives.

9 (d) No later than January 10 of each year, the corporation shall
10 submit the corporation business plan for the following fiscal year
11 to the Director of Finance and the Chair of the Joint Legislative
12 Budget Committee for review and comment. The executive
13 director of the corporation shall also submit, not less than 30
14 days prior to adoption by the governing board of the corporation,
15 any proposed formal amendments to the corporation business
16 plan to the Director of Finance and the Chair of the Joint
17 Legislative Budget Committee for review and comment.

18 (e) Fees charged to members of the public for copying,
19 reproduction, and other services provided by the State Archives
20 shall be at a level consistent with the costs of providing these
21 services. The Secretary of State may establish an agreement with
22 the corporation to provide these services and collect moneys for
23 providing these services.

24 (f) *Notwithstanding any other provision of law, the GSMPBC,*
25 *or its successor, is a private nonprofit corporation and shall not*
26 *be considered a state, local, or other public body for any*
27 *purpose.*

28 (g) The Legislature encourages the governing board of the
29 corporation to conduct its meetings in an open manner, establish
30 a board membership that is representative and reflective of
31 California's rich history, and work cooperatively with the
32 Secretary of State to ensure public input, confidence, and
33 accountability in the museum's use of its resources and the
34 protection of California's priceless archives, collections, and
35 artifacts.

36 SEC. 3. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety
38 within the meaning of Article IV of the Constitution and shall go
39 into immediate effect. The facts constituting the necessity are:

1 In order to enhance and improve the museum described in this
2 act expeditiously it is necessary that this act take effect
3 immediately.

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